

Grand Valley State University Export Control Advisory Committee (ECAC) Guidance
Title: <i>Export Control Responsibilities of Faculty and Staff Members</i>
Document Number: G-1
Version Number: 1.0
Issue Date: 03/05/2021

Background

Federal regulations control how items, technology, and data may be exported from the United States and shared with foreign persons within the United States. Export control concerns can sometimes arise as part of University activities and, as such, all GVSU faculty and staff are responsible for abiding by export control regulations, per [SLT Policy 3.6](#).

Note that an export control license may be required to conduct certain activities, and these licenses can take many months to acquire. The penalties for engaging in restricted activities without the proper export control license can be severe, and individuals can be held personally liable. Both individuals and the University can face criminal and civil penalties if export control violations occur. Therefore, it is extremely important to recognize potentially controlled items and activities before engaging in the activity.

This guidance document provides examples of activities where export control concerns commonly arise, and outlines the responsibilities of faculty and staff members related to export controls. Further information about export controls can be found on the [GVSU Export Controls website](#). Questions regarding export controls should be directed to the Office of Research Compliance and Integrity (ORCI) at rci@gvsu.edu or (616) 331-3197.

Identifying Controlled Activities

Export control regulations may apply to any international activity, regardless of discipline, depending upon the specific item/information being exported and the recipient party and location. However, the following activities are generally considered to have the most export compliance risk and are the most likely to require additional oversight and/or require an export license:

- High risk areas of research (e.g., engineering, computer information systems, encryption, space and satellite technology)
- Restrictive clauses in contracts/agreements (e.g., restrictions on participation by foreign nationals, publications of scientific results, access to materials or data)
- Foreign involvement (e.g., training foreign nationals, collaborating with non-U.S. nationals in the U.S. or abroad, shipping or transmitting anything to a foreign country, travel to a foreign country, working with a country subject to a U.S. sanction or boycott)
- Working with unknown entities (e.g., private research sponsors, especially unknown, smaller entities or individuals)
- Online instruction for individuals located in sanctioned countries



Additional red flags can be found on the Bureau of Industry and Security's [Reg Flag Indicators website](#).

Responsibilities Regarding Export Controls

All Personnel:

- Ensure all educational, research, and other University activities are conducted properly and in compliance with [export control regulations, GVSU export control policies, and any technology control plan \(TCP\)](#) on which they are included. The need for a TCP will be determined by the ORCI. If a TCP is required, it must be in place prior to beginning the activity, including prior to the receipt of any controlled materials and/or data.
- Ensure contracts and service agreements entered into on behalf of the University include the appropriate [export control language](#).
- Notify the ORCI at least 30 days prior to traveling on behalf of the University to any [embargoed, targeted sanctioned, and/or prohibited locations](#) identified by the Export Administration Regulations, Office of Foreign Assets Control, and/or International Traffic in Arms Regulations. Provide as much lead time as possible.
- Obtain pre-approval from the ORCI to take or ship any University property to an [embargoed, targeted sanctioned, and/or prohibited location](#). Provide as much lead time as possible.
- Ensure University business is not conducted with any individual or entity on a [prohibited party list](#) published by the Departments of Commerce, State, or the Treasury.
- Completely and accurately provide all information related to export controls that is requested by the ORCI/Center for Scholarly and Creative Excellence (CSCE).

Responsibilities Specific to Faculty and Staff Members:

- Be aware of and in compliance with export control regulations, policies, and procedures
- Identify activities in which export control issues might exist (e.g., international collaborations, international shipping, certain research projects, etc.) and notify the ORCI of any identified export control issues. **Contact the ORCI if you are unsure if your activities include any export control issues.**
- Ensure appropriate licenses, if applicable, have been obtained prior to sharing export-controlled information
- If the ORCI requires a technology control plan, support the work of the ORCI to ensure this plan is in place *prior* to beginning the export-controlled project and ensure continued compliance with the plan
- Teaching
 - If utilizing any proprietary or unpublished research data in course instruction, ensure the information is not subject to export control regulations
- Conference Attendance/Hosting
 - If attending an international conference, ensure the information being shared and any items being transported to the conference are not subject to export controls
 - If hosting an international conference, ensure all applicable export control regulations are followed
- International Collaborations



- Notify the ORCI prior to working with any individuals from [embargoed and comprehensive sanctioned countries](#)
- Research
 - Ensure all research activities conducted by students are appropriately overseen by a qualified faculty or staff member and export control aspects of the work are considered.
 - Inform members of the research team of any applicable export control requirements including technology control plans pertaining to the project
 - Ensure the appropriate protection and management of all export-controlled technology
 - Notify the ORCI if planning to import any research samples or materials from abroad, as certain permits may be required.
 - Notify the ORCI if students will be conducting research outside of the U.S., even if only temporarily
- Cloud Computing
 - Do not store proprietary, confidential, and/or export-controlled information outside of appropriately protected GVSU servers
 - Before entering into an agreement with a cloud-based service provider, ensure export control terms and conditions are appropriately met